

FOREST PRODUCTS, INC.,)	AGBCA No. 99-148-ADR
)	
Party to Alternative Dispute Resolution)	
)	
Representing Forest Products, Inc.:)	
)	
W. J. Robinson, President)	
Forest Products, Inc.)	
P.O. Box 541)	
Corbin, Kentucky 40702)	
)	
Representing the Government:)	
)	
Jay McWhirter)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
1718 Peachtree Road, NW, Suite 576)	
Atlanta, Georgia 30309-2409)	

DECISION OF THE BOARD OF CONTRACT APPEALS

March 5, 1999

OPINION BY ADMINISTRATIVE JUDGE JOSEPH A. VERGILIO

On February 23, 1999, Forest Products, Inc., of Corbin, Kentucky, opted to utilize the Board and Alternative Dispute Resolution (ADR) techniques to resolve its dispute concerning the Flatwoods Timber Sale contract, No. 6627, with the U. S. Department of Agriculture, Forest Service (Government). The Government agreed to the use of ADR. After the Government had terminated a portion of the contract, which required work within the Daniel Boone National Forest, Redbird Ranger District, Clay County, Kentucky, Forest Products filed a claim to recover various costs. The Contracting Officer (CO) granted in part and denied in part the claim. Although the 90-day period to file an appeal with the Board has expired, Forest Products, Inc., AGBCA No. 98-178-1 (Mar. 5, 1999), the 12-month period to file suit in court contesting the decision has not elapsed; therefore, the CO's determination is not final. This dispute is resolved as an ADR matter pursuant to the Contract Disputes Act (CDA), as amended. 41 U.S.C. §§ 605(b), 605(d), 609.

The Board and parties met in London, Kentucky, on February 23, 1999. With the Board's assistance, this dispute was settled. The Government offered, and Forest Products accepted, \$12,876, to resolve the matter. The Government promptly is to pay the lump sum, which reflects full and final

settlement; no separate amount will be sought for interest under the CDA or for legal fees under the Equal Access to Justice Act (EAJA). Neither party will appeal this decision which is final.

DECISION

Given the settlement, the matter is closed.

JOSEPH A. VERGILIO

Administrative Judge

Issued at Washington, D.C.

March 5, 1999